



Rule(s) Review Checklist Addendum
(This form must be filled out electronically.)

This form is to be used only if the rule(s) was/were previously reviewed, and has/have not been amended/repealed subsequent to that review.

All responses should be in **bold** format.

Document(s) Reviewed (include title): **458-20-183 (Amusement, recreation, and physical fitness services.)**

Date last reviewed: **10/01/97**

Reviewer: **Sue Goldstein**

Date current review completed: **5/4/04**

Briefly explain the subject matter of the document(s): **This rule provides tax reporting instructions for persons who provide amusement, recreation, and physical fitness services, including persons who receive dues and initiation fees.**

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Public requests for review:

YES	NO	
	X	Is this document being reviewed at this time because of a public (e.g., taxpayer or business association) request?

If "yes," provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request.

2. Related statutes, interpretive and/or policy statements, court decisions, BTA decisions, and WTDs: (Excise Tax Advisories (ETAs), Property Tax Advisories and Bulletins (PTAs/PTBs), and Interim Audit Guidelines (IAGs) are considered interpretive and/or policy statements.)

YES	NO	
X		Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	X	Are there any interpretive or policy statements not identified in the previous review of this rule that should be incorporated? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any interpretive or policy statements that should be repealed



		because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeals (BTA) decisions, court decisions, or Attorney General Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above? (An Ancillary Document Review Supplement should be completed if any changes are recommended with respect to an interpretive or policy statement.)

If the answer is "yes" to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

- **RCW 82.12.02917 (Exemptions -- Use of amusement and recreation services by nonprofit youth organization), enacted by section 7, chapter 358, Laws of 1999; and the section 1, chapter 155, Laws of 2004, amendments to RCW 82.12.02595 (Exemptions -- Use of donated tangible personal property by nonprofit organization or governmental entity or for purpose donated -- Use of related property), which provides an exemption for the donation of amusement and recreation services by or to nonprofits or state or local governmental entities. Rule 183 does not address use tax, but since there are now some use tax exemptions for amusement and recreation services, the rule should discuss the issue.**
- **RCW 82.08.0291 (Exemptions--Sales of amusement and recreation services or personal services by nonprofit youth organization -- Local government physical fitness classes) was amended by section 8, chapter 103, Laws of 2000, but the only change was to correct an internal reference (technical correction) so this change does not provide information that needs to be incorporated into the rule.**

3. Additional information: Identify any additional issues (other than those noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner.

- **When this rule is next amended, it should include a discussion of taxation of the services of personal trainers at athletic clubs as retail sales under the "physical fitness services" classification.**
- **When this rule is next amended, it should include a discussion of taxation under retailing B&O and retail sales of physical fitness services performed pursuant to a physician's written prescription.**



4. Listing of documents reviewed: The reviewer need identify only those documents that were not listed in the previous review of the rule(s). Use “bullets” with any lists, and include documents discussed above. Citations to statutes, interpretive or policy statements, and similar documents should include titles. Citations to Attorney General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).

Statute(s) Implemented:

Interpretive and/or policy statements (e.g., ETAs, PTAs, and IAGs):

Court Decisions:

Board of Tax Appeals Decisions (BTAs):

Appeals Division Decisions (WTDs):

Attorney General Opinions (AGOs):

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

- **RCW 82.12.02595 (Exemptions -- Use of donated tangible personal property by nonprofit organization or governmental entity or for purpose donated -- Use of related property)**
- **RCW 82.12.02917 (Exemptions -- Use of amusement and recreation services by nonprofit youth organization)**
- **Special Notice -- Tax Changes for Providers of Tours, and Amusement & Recreation Services SHB 2590 (Chapter 148, Laws of 1996) (Originally published April 29, 1996--Reissued April 2002)**
- **Special Notice --Certain Taxpayers to Pay Use Tax Directly to the Department of Revenue (Originally published August 22, 2001--Reissued April 2003)**

5. Review Recommendation:

- X **Amend**
- _____ **Repeal/Cancel** (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)
- _____ **Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)
- _____ **Begin the rule-making process for possible revision.** (Applies only when the Department has received a petition to revise a rule.)



Explanation of recommendation: Provide a brief summary of your recommendation, whether the same as or different from the original review of the document(s). If this recommendation differs from that of the previous review, explain the basis for this difference.

If recommending that the rule be amended, be sure to note whether the basis for the recommendation is to:

- Correct inaccurate tax-reporting information now found in the current rule;
- Incorporate legislation;
- Consolidate information now available in other documents (e.g., ETAs, WTDs, court decisions); or
- Address issues not otherwise addressed in other documents (e.g., ETAs, WTDs, court decisions).

The prior review recommended amending this rule. In addition to the reasons stated in the prior review, when this rule is next amended it should include a discussion of the retail sales nature of personal trainer services and "prescription" physical fitness services, and use tax exemptions with regard to amusement and recreation services.

6. Manager action: Date: July 2, 2004

AL Reviewed and accepted recommendation

Amendment priority:

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